IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 23397 of 2004

Between:

Saleha Begum, W/o. Late Mir Fayyaz Ali,
R/o.22-3-103, Dabeerpura, Hyderabad.

..... PETITIONER

AND

1. The Mandal Revenue officer, Bahadurpura Mandal,

Hyderabad.

2 The District Collector, Hyderabad.

3 Syed Zia-Ul Hasan Hussaini @ Zia Agha,

S/o.Moulana Syed Abul Hasan @ Mirran Saheb Qibla,
R/o.House No.22-3-114 & 117, DabeerPura, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the inaction of the respondent No.1 & 2 in not

considering representation dt.19-10-04 as illegal and arbitrary and direct the respondents No.1 & 2 to take action against the respondent No.3 upon the representation of the petitioner dated 19-10-2004, demolish the illegal construction made by the respondent No.3 on the Government land abutting house Nos.22-3-114 & 117, situated at Mata Ki Khidki, Dabeerpura, Hyderabad and restore the Bore Well dug by the Government to its original form. Any other relief deemed fit and proper be also granted to the petitioner.

For the Petitioner: MR.ABDUL NAJEEB KHAN, Advocate.

For Respondent Nos.1 and 2: GP FOR REVENUE

For Respondent No.3 : --

The Court at the stage of admission, made the following Order: (per Sri B. Sudershan Reddy, J)

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of respondents 1 and 2 and at their request, the matter is taken up for final disposal at the admission stage. No notice as such is required to be issued as against respondent No. 3 since no order adversely affecting his interest is passed in this writ petition.

The gravamen of the complaint in the instant writ petition relates to inaction on the part of respondents 1 and 2 in considering the representation dated 19-10-2004 stated to have been made by the petitioner as against the 3rd respondent that he had encroached into the Government land and made some illegal constructions.

We are not inclined to express any opinion whatsoever as regards the truth or otherwise of the allegations levelled by the petitioner in the representation dated 19-10-2004. It is a matter of enquiry by respondents 1 and 2.

In the circumstances, this writ petition is disposed of directing respondents 1 and 2 to take appropriate action in accordance with law and dispose of the representation dated 19-10-2004 after due notice to the 3rd respondent who shall be entitled to file his objections to the representation made by the petitioner. That an appropriate decision in this regard shall be taken within a period of four weeks from the date of receipt of a copy of this order.

(B. Sudershan Reddy, J)

22-12-2004

(M. Narayana Reddy, J)

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To

1. The Mandal Revenue officer, Bahadurpura Mandal, Hyderabad.

2 The District Collector, Hyderabad.

3 Two CCs to the Government Pleader for Revenue, High Court of Andhra Pradesh, Hyderabad (OUT).

4 Two CD copies.